



PATENT APPLICATION  
CS8305  
LeA 35,900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF	)	
HEIKO RIECK ET AL	)	GROUP NO: 1621
SERIAL NO.: 10/505,360	)	EXAMINER: S. KUMAR
FILED: JANUARY 13, 2005	)	
TITLE: MICROBICIDAL AGENTS ON THE	)	
BASIS OF BIPHENYL BENZAMIDE	)	
DERIVATIVES	)	

**DECLARATION UNDER 37 CFR 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markweg 85, 56566 Neuwied, Germany, a citizen of Germany, declare as follows:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for the biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following experiments with the following results have been carried out under my supervision and direction:

Example I *Podosphaera* test (apples) / protective

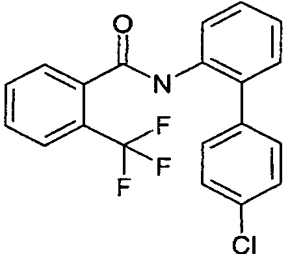
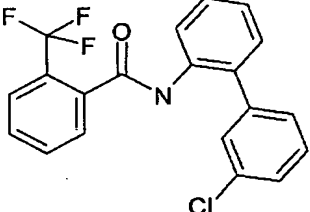
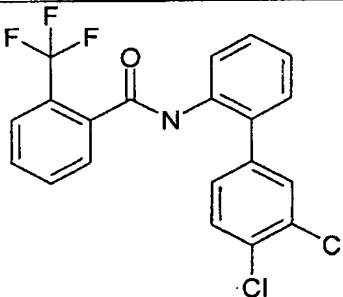
Solvent: 24.5 parts by weight of acetone

24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound was mixed with the stated amounts of solvent and emulsifier, and the concentrate was diluted with water to the desired concentration. To test for protective activity, young plants were sprayed with the preparation of active compound at the stated rate of application. After the spray coating had dried, the plants were inoculated with an aqueous spore suspension of the causal agent of apple mildew (*Podosphaera leucotricha*). The plants were then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%. The test was evaluated 10 days after the inoculation. 0% means an efficacy corresponding to that of the control, while an efficacy of 100% means that no disease was observed. Results are shown in Table I.

Table I *Podospaera* test (apples) / protective

Active compound Disubstituted compounds:		Rate of application of active compound in ppm	Efficacy in %
Ex. 1		1	10
Ex. 7		1	9
Disubstituted compound:			
Ex. 4		1	74

Example II *Alternaria* test (tomatoes) / protective

Solvent: 24.5 parts by weight of acetone

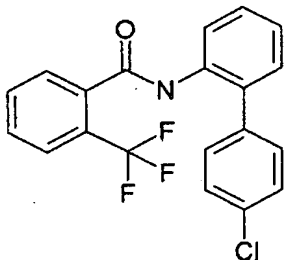
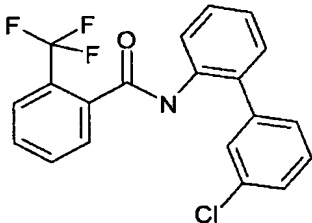
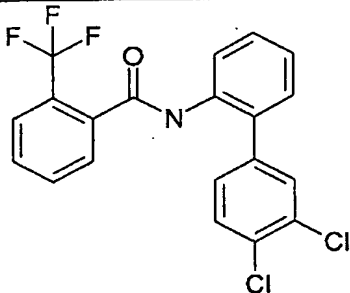
24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound was mixed with the stated amounts of solvent and emulsifier, and the concentrate was diluted with water to the desired concentration. To test for protective activity, young plants were sprayed with the preparation of active compound at the stated rate of application. After the spray coating had dried, the

plants were inoculated with an aqueous spore suspension of *Alternaria solani*. The plants were then placed in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of 100%. The test was evaluated 3 days after the inoculation. 0% means an efficacy corresponding to that of the control, while an efficacy of 100% means that no disease was observed. Results are shown in Table II.

**Table II** *Alternaria* test (tomatoes) / protective

Active compound Disubstituted compounds:		Rate of application of active compound in ppm	Efficacy in %
Ex. 1		10	68
Ex. 7		10	78
Disubstituted compound:			
Ex. 4		10	96

4. The tests results show that the dichloro-substituted compound of Example 4 is significantly more effective than the para- and meta-chloro-substituted compounds of Examples 1 and 7.

5. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Further Declarant Sayeth Not.

Signed at Monheim, this 28<sup>th</sup> day of September, 2006.

A handwritten signature in black ink, appearing to read 'Ulrike Wachendorff-Neumann', is written over a horizontal line.

Ulrike Wachendorff-Neumann